

substrate and applying the forming tool heated during the heating to the glass or plastic substrate in a region to be structured to plasticize substrate material and form the microstructure in the viscous glass or plastic substrate.

### REMARKS

This amendment is in response to the Office Action dated May 15, 2003, which consisted of a restriction/election requirement. New claims 10 to 13 have been added for a method of using the forming tool claimed in claim 4.

Applicants *provisionally* elect to proceed with the prosecution of claims 4 to 9 drawn to the forming tool for making a microstructure in a glass or plastic substrate.

As far as the method claims go, applicants hope to employ the provisions of M.P.E.P 821.04 and rejoin method claims after a finding of allowable forming tool subject matter, if necessary with amendment of the method claims.

Method claims 1 to 3 include steps for making a forming tool and steps for using it to microstructure a glass or plastic body. New method claims 10 to 13 have been added, which are limited to a method of using the forming tool as claimed in the currently pending claim 4.

According to M.P.E.P. 821.04 when an applicant elects claims direct to a product (the forming tool) and those claims are later allowed, withdrawn method claims that include all the limitations of the claimed product will be rejoined. Thus

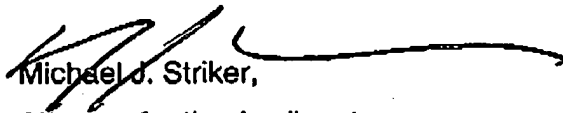
claims 1 to 3 may be rejoined since they contain steps for making a forming tool.

M.P.E.P. 821.04 goes on to state that if a product claim is found allowable, applicant may present claims directed to a process of using the patentable product by way of amendment pursuant to 37 C.F.R. 121. Method claims 11 to 13 have been added in an attempt to avoid the necessity of an amendment under 37 C.F.R. 121, provided claim 4 is allowable over the prior art.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

  
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